

Memorandum

TO: Mr. Pete Gutwald, Director, Department of Planning and Zoning

FROM: Jennifer M. Smith, Geosyntec Consultants, Inc.

DATE: February 8, 2008

SUBJECT: Zoning Code Update Meeting 12 – Meeting Summary
January 28, 2008, Second Floor Conference Room
Harford County Office Building

Attendees

Workgroup Members Present:

Ms. Susie Comer
Col. Charles Day
Ms. Carol Deibel
Mr. Bill Vanden Eynden
Mr. Samuel Fielder, Jr.
Mr. Rowan G. Glidden
Ms. Susan B. Heselton
Mr. Jeffrey K. Hettleman
Mr. Tim Hopkins
Mr. Douglas Howard
Mr. Gregory J. Kappler
Mr. Michael Leaf
Mr. Torrence Pierce
Mr. Lawrason Sayre
Mr. Chris Swain
Mr. Jim Turner
Mr. Craig Ward
Ms. Marisa Willis
Mr. Jay Young

Workgroup Members Absent:

Mr. William E. Goforth
Mr. Frank Hertsch
Ms. Gloria Moon
Mr. Frank Richardson
Mr. Gil Jones

County Representatives Present:

Mr. Pete Gutwald, Director, Department of Planning and Zoning
Mr. Tony McClune, Deputy Director, Department of Planning and Zoning
Ms. Janet Gleisner, Chief, Division of Land Use and Transportation
Ms. Theresa Raymond, Administrative Assistant, Director's Office
Ms. Patricia J. Pudelnkewicz, Chief, Environmental Planning Section

Facilitators:

Ms. Jennifer M Smith, Geosyntec
Ms. Christy Ciarametaro, Geosyntec

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Meeting Summary

The twelfth meeting of the Harford County Zoning Code Update Workgroup was held at 2:00 pm in the second floor conference room at the offices of the Department of Planning and Zoning. A meeting agenda was distributed to each workgroup member. A sign-in sheet was distributed to the group. The Meeting 11 Summary was distributed for review and approved by the workgroup.

Continued Discussion of Redevelopment and Revitalization

Mr. Pete Gutwald, Harford County's Director of Planning and Zoning, continued the discussion of the Redevelopment and Revitalization sections of the proposed Zoning Code with a final topic regarding integrated community shopping centers.

Workgroup Discussion – Integrated Community Shopping Centers:

1. Topic: Integrated Shopping Centers in CRD

Discussion:

- The workgroup previously agreed to increase the size of a shopping center from "less than 20,000 square feet" to "less than 75,000 square feet" before they are considered an ICSC in §267-59(C)(3).
- To be consistent with this change, the workgroup should consider revising the 40,000 square foot gross floor area in §267-64 (H) to allow a larger integrated community shopping center without Board of Appeals approval.

Result:

- The workgroup agreed to revise Section §267-64(H) to change "40,000 square feet" to "100,000 square feet".

2. Topic: Edgewood Overlay District

- A discussion regarding the Edgewood Overlay District will be tabled to one of the later meetings.

Presentation by DPZ – Water Source Protection

Mr. Pete Gutwald, Harford County's Director of Planning and Zoning, reviewed the new Water Source Protection section of the proposed Zoning Code. Section §267-66 applies to groundwater source protection areas as identified by the Maryland Department of Environment (MDE). These areas are: the Perryman Wellfield Protection District, the Community Water Systems, and the Non-transient Non-community Water Systems. The district boundaries are determined by MDE and are provided to the County on a digital GIS layer. A map displaying the location and boundaries of the districts, titled Harford County Water Source Protection Districts, was provided to all workgroup members for reference. Mr. Gutwald emphasized the Implementation Strategies identified in the Land Use Element Plan for water source protection. The Implementation Strategies are: 1. Implement and adopt a comprehensive wellhead protection plan as part of the Zoning Code; 2. Adopt wellhead protection regulations within designated aquifer recharge areas and water supply areas in order to protect the quality and quantity of these resources; and 3. Review and revise the Zoning Code to promote low impact development and use of green building design principles to decrease impervious surfaces and impacts to water quality.

Workgroup Discussion – Water Source Protection

A workgroup discussion followed Mr. Gutwald's presentation. The topics discussed and the committee recommendations are presented below:

1. Topic: Whiteford and Cardiff Quarries

Discussion:

- A member of the workgroup requested that the Whiteford and Cardiff area quarries be included in Zoning Code in order to protect the quarries and prohibit these areas from being used in any manner that would result in an adverse impact to groundwater. Workgroup members expressed a concern that if a potential land use activity such as a landfill were permitted to operate at the Whiteford quarries, contamination of the water in the quarry would ultimately impact their private wells and drinking water.
- Mr. Gutwald explained that the Source Water Protection districts were defined and identified by MDE utilizing scientific data, therefore the Department was uncertain what rationale or logic would be used to define the boundaries of the quarry protection districts and include these areas in the revised Zoning Code. Currently these water features are not included in the water source protection districts list provided to the County by MDE.
- One workgroup member suggested that these areas should be identified as ground water recharge areas. As such, the proposed Zoning Code could be revised to add these areas to the code by including them in Section §267-66 (B).

- It was suggested that these areas and other identified ground water recharge areas could be added to the Natural Resources District Section §267-62 (B) as areas of special connectivity to wells.
- One workgroup member suggested including a definition of the recharge area or district in the proposed zoning code.

Result:

- The workgroup recommended that DPZ further investigate the ability to define the Whiteford/Cardiff quarries as a Water Source Protection District. DPZ will use MDE guidance and discussions with MDE to assist in defining the limits of this area.
- Workgroup members agreed to include a definition of “recharge area” in the proposed Zoning Code.

2. Topic: Defining Water Source Protection Districts

Discussion:

- One workgroup member suggested that the Maryland American Water System Water Source Protection District be expanded since it was the primary source of drinking water for the Town of Bel Air. DPZ staff explained that the Water Source Districts were based on a MDE water assessment report. DPZ staff indicated that the Perryman Wellfield Protection District, the Municipal Water System Districts and many of the Community Water System District boundaries are based on detailed hydrogeological studies. These studies have been performed by MDE, USGS and other scientists to characterize the limits of the groundwater recharge areas based on topography, hydrology, geologic formations and groundwater movement. A majority of the non-transient non-community system districts are determined by a 1000 foot radius around the well location. The workgroup discussed how the 1000 foot radius is an estimate of what the wellhead protection area should be for a well located in an unconfined aquifer in the Piedmont Region.
- One member of the workgroup expressed a desire to expand the Water Source Protection Districts section of the proposed Zoning Code to include all sources of drinking water for Harford County citizens. Figure 38 of the Land Use Element Plan identifies other source protection areas than wellfields, including Deer Creek and the Susquehanna River. The Water Source Protection Districts map included as a handout by Mr. Gutwald does not include intake locations such as Deer Creek and Maryland American.
- A workgroup member questioned why individual private wells were not included in the Water Source Protection section. There was an interest in expanding the Water Source Protection section of the proposed Zoning Code to include private wells.
- County staff explained that there are a number of different provisions for protecting ground and surface water throughout the Zoning Code, Stormwater Management regulations and Health Department requirements. These include 100 foot buffers for private wells in the AG district regulations, Natural Resource District regulations, setback requirements and impervious surface limitations.

- One member of the workgroup raised the question whether the proposed Zoning Code should be addressing comprehensive water source protection not just established districts for wellheads.
- One member suggested that the proposed Zoning Code should include provisions for ensuring the long range water quality and availability for all drinking water sources.

Result:

- It was recommended to reference the other sections of the Code that include standards which protect water source protection. It was also recommended to include a reference to the Watershed Restoration Action Strategies (WRAS) that have been completed by Harford County.

3. Topic: Water Source Map

- Although the Water Source Protection Areas map is useful, there were a number of suggestions for enhancements provided by workgroup members. Workgroup members would like to be able to refer to this map from time to time to determine where all permitted water source protection districts are located and what underlying properties are affected by the location of these districts. Recommendations to the map included: 1. Match the title of the map to the title referred to in the code; 2. The reference date on the map should match date in the title; 3. Data in the map should be available in electronic format to the public and the data should be kept up to date and current with water source protection district locations approved by MDE.
- Workgroup members discussed the fact that the proposed map did not provide sufficient information to determine which properties would be impacted by the water source protection district.

Result:.

- DPZ will revise the title on the Water Source Protection Districts map to match the title of this section of the proposed Zoning Code.
- The Water Source Protection Districts map will reference the digital data file that includes the boundaries of each water source protection district and information regarding specific property can be attained by this reference.

4. Topic: Public Notification/ Restrictions to Properties Within Wellhead Protection District – Existing Wells

Discussion:

- A number of workgroup members discussed the need to properly notify owners of properties that are located within the MDE defined wellhead protection districts for wells that currently exist. Once the proposed zoning code is approved and adopted, restrictions will become applicable to existing properties located within the boundaries of an existing wellhead protection district.
- One member suggested that placing an existing property into a wellhead protection district with the proposed Zoning Code restrictions is similar to creating a conservation easement over the property.

- One member suggested that restrictions proposed on property located within a wellhead protection district defined by MDE at the time of adoption of the proposed Zoning Code should be grandfathered from having to comply with these restrictions. However, other members of the work group suggested that this would defeat the purpose of creating the Source Water Protection section of the proposed zoning code.
- With respect to prohibited uses on properties located within a wellhead protection district, one workgroup member requested clarification to Section §267-66 (C) (1) (a)(5) regarding the reference section of COMAR 26.10.02 and whether it applies to propane tanks.

Result:

- The workgroup agreed to revise Section §267-66 (G) to replace the words “will not adversely affect” in the first sentence with the words “is not likely to significantly adversely affect”.
- DPZ will determine whether propane tanks are included in COMAR 26.10.02.

5. Topic: Public Notification/ Restrictions to Properties Within Water Source Protection District – New Wells

Discussion:

- There was also discussion regarding new wells and how proposed districts will affect property owners that will be located within these districts.
- New wells and associated district boundaries present a problem as they are not regulated by the County, but by MDE and the Health Department. Unless there is a change in use from what is allowed in the zoning code, it is unclear how DPZ would be able to enforce a requirement for notification of a proposed well as a condition of it receiving a permit.
- One workgroup member stated that the permitting of large wells already goes through an extensive regulatory review process with MDE, which includes notification of adjoining property owners.
- A workgroup member asked if there are regulations for wells impacting adjoining properties anywhere in the proposed code. It was stated that in the Agricultural District regulations, in §267-53D(4)(c), private wells on residential lots must be setback a minimum of 100 feet from any agricultural operation/assessment.
- One workgroup member suggested that a well located on one property should not be permitted to impact offsite properties. Adoption of the proposed Zoning Code will potentially limit the use of off site properties by placing use restrictions and impervious level limits on properties located within the water source protection district.
- One member suggested that new non-transient non-community wells should only be allowed when the water source protection district boundary is located within the property boundary on which the well is to be located. Therefore, a non-transient non-community well with a water source protection district that extends to offsite properties would require approval of a variance to the zoning code.

- Another member of the work group stated that variances should be reserved for situations that are unusual. The uses that may require a non-transient non-community well should only be allowed as a special exception.

Result:

- The majority of the workgroup agreed (with dissenting views) to revise the proposed Zoning Code to require a variance for all new district wells where the district boundaries reach off the property limits of the proposed well. As a condition of the variance, notification will be required of all affected property owners.
- DPZ is not involved and does not get notified when someone gets a groundwater permit. DPZ can't regulate state groundwater withdraw. DPZ will request that the Harford County Law Department investigate the County's authority with respect to requiring a variance for wells, and will respond to the workgroup with the findings.

6. Topic: General Discussion – Water Source Protection

Discussion:

- One workgroup member questioned why the Perryman Wellfield Protection District was defined in the proposed Zoning Code with three distinct zones, yet the regulations protecting this wellfield do not address specific needs or characteristics of these zones.
- Mr. Gutwald indicated that approximately 80% of Zone 1 the Perryman Wellfield Protection District was located within the Aberdeen Proving Ground boundaries. The remaining Zone 2 and Zone 3 are primarily developed.
- One workgroup member indicated that protection of water source quantity through enhanced recharge receives limited attention in the proposed Zoning Code. In fact, there are requirements in the proposed Zoning Code to minimize infiltration which are in direct conflict with the goal of protecting recharge quantity. The proposed Zoning Code should include engineering methods and regulations to ensure the quantity of the wellfield water source.
- One member asked whether there was a formal process in place to link the water source protection district boundaries and regulations to the Harford County Water and Sewer Master Plan.

Result:

- DPZ and DPW will discuss coordination of the water source protection districts and the Water Source Protection regulations with the Water and Sewer Master Plan.

At Meeting 13, the workgroup will continue the discussion on the Source Water Protection section of the proposed Zoning Code.

Administrative Issues:

The meeting was adjourned at 4:00 pm.

The Harford County Zoning Code website can be accessed at:
<http://www.harfordcountymd.gov/ZCUpdate/index.cfm>.

Meeting Handouts

1. Meeting Agenda
2. Draft Meeting 11 Summary
3. Summary of the Water Source Protection section of the draft Zoning Code.

Next Scheduled Meetings

Date: February 11, 2008
Time: 2:00 pm - 4:00 pm
Topic: Meeting 13 – Water Source Protection
Location: Harford County Administrative Office Building
220 South Main Street
2nd Floor Conference Room
Bel Air, MD 21014

Date: February 25, 2008
Time: 2:00 pm - 4:00 pm
Topic: Meeting 14 – Special Development/Special Exceptions/Landfills Location:
Harford County Administrative Office Building
220 South Main Street
2nd Floor Conference Room
Bel Air, MD 21014